

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:)	
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Developing a Unified Intercarrier)	CC Docket No. 01-92
Compensation Regime)	
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**INITIAL COMMENTS OF INTEGRA TELECOM, INC. ON PHANTOM
TRAFFIC INTERIM PROCESS AND CALL DETAIL RECORDS PROPOSAL**

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Pursuant to the Federal Communications Commission's ("Commission") Public Notice dated November 8, 2006,¹ Integra Telecom, Inc. ("Integra") respectfully submits these comments on the proposed interim process to address phantom traffic issues and the related proposal for the creation and exchange of call detail records as submitted to the Commission by the Supporters of the Missoula Plan. For convenience, Integra refers herein to the interim phantom traffic and call detail records proposals as the "Interim Plan." These comments address only the Interim Plan; they do not address the provisions of the "comprehensive solution for phantom traffic" set forth in the Missoula Plan.² The Commission is in the process of gathering comments on the "comprehensive solution" in the Missoula Plan, and Integra

¹ *In the Matter of Developing a Unitified Intercarrier Compensation Regime*, Public Notice, DA 06-2294 (rel. Nov. 8, 2006).

² Missoula Plan at 60.

reserves its right to address it in Integra's reply comments on the Missoula Plan.³

³ Reply comments on the Missoula Plan are due on January 11, 2007.

I. INTRODUCTION

The Interim Plan does not present an effective solution to the problem of phantom traffic. The problem is not a shortage of records; it is a shortage of properly populated data fields that would allow terminating carriers the opportunity to bill the responsible party. The Interim Plan calls for mandatory creation and distribution of additional call detail records, but a phantom traffic solution demands improvement of the data already being exchanged. While Integra supports a solution for phantom traffic, the Interim Plan would not accomplish that goal.

II. COMMENTS

A. The Interim Plan Does Not Address the Fundamental Cause of Phantom Traffic.

The Missoula Plan states that phantom traffic consists of “calls that lack sufficient signaling information to enable intermediate and terminating providers to bill properly for intercarrier compensation.”⁴ A terminating carrier may not be able to bill properly for traffic if the terminating carrier receives insufficient information to identify the originating carrier or determine the proper jurisdiction of the call. In some instances, both originating carrier and jurisdictional information may be missing or insufficient. Both of these situations largely result from incomplete or incorrect population of the calling party number or charge number fields in the SS7 initial address message. Incorrect or missing data may be the result

⁴ Missoula Plan at 56.

of technological limitations or intentional efforts to frustrate billing of terminating charges.

Unfortunately, the Interim Plan's solution to this problem is to require carriers to create an entirely new class of call detail records for traffic that is not currently subject to the Commission's requirements for jointly provided tariffed switched access services as prescribed in the *MECAB Standards Document*⁵ and to require carriers to pay for those records regardless of whether they are useful.⁶ Creating more records, however, will not solve the phantom traffic problem, to the extent one exists. In fact, the Interim Plan does not explain how creating an additional class of traffic subject to call detail records will resolve the phantom traffic issue.

The solution to any phantom traffic problem lies in making existing records better. The Interim Plan is deficient because it would impose significant additional requirements on carriers, as described below, without identifying the sources of faulty data and fixing the data shortfalls that exist. Carriers would be able to bill properly for intercarrier compensation if the existing records contained the necessary information.

B. The Interim Plan Would Enrich Transit Providers at the Expense of Others.

The Interim Plan calls for generation and delivery of call detail records for every call in which more than two carriers are involved. This would

⁵ Written *ex parte* filed November 6, 2006 by the Supporters of the Missoula Plan ("Interim Plan") at 7.

⁶ See section II B *infra*.

include traffic transiting to a third carrier with which the originating carrier has no interconnection agreement or billing arrangement. Where the transiting carrier is not currently providing call detail records in 11-01-XX format, the transiting carrier would be entitled to create call detail records and charge the terminating carrier \$.0025 per record. According to the Interim Plan, the terminating carrier would be obligated to pay for these records regardless of whether the terminating carrier wants and can use the records. Where no interconnection agreement or billing arrangement exists between the terminating and originating carrier, traffic is exchanged on a bill and keep basis by default. Forcing an originating carrier to pay a tandem provider to create and a terminating carrier to purchase call detail records for all calls, regardless of whether the terminating carrier can actually bill the originating carrier, would result in wasted expense to the both carriers. It would, however, benefit the transit provider by offering an additional guaranteed revenue stream.

C. VOIP Allocation Factors Could be Manipulated.

Appendix B of the Interim Plan identifies two factors to be used for VoIP traffic. Factor 1 would identify the percentage of total intrastate access traffic that is VoIP originated. Interstate rather than intrastate access charges would apply to these minutes of use. Factor 2 would be the percentage of traffic sent without a calling number that is VoIP originated. This usage would be allocated between the interstate access and reciprocal

compensation categories based on the distribution of traffic received with a calling number. Since the originating carrier would certify these factors, the originating carrier could manipulate terminating charges and engage in the kind of arbitrage that intercarrier compensation reform is supposed to eliminate. This stopgap measure assumes that VoIP traffic will be subject to reciprocal compensation or access charges based on the numbers of the calling and called parties like traditional telephone calls. A better approach would be for the Commission to make an unambiguous determination in the appropriate proceeding to define VoIP originated traffic and decide whether it is an information service or a telecommunications service and, as such, whether it is subject to reciprocal compensation or access charges.

III. CONCLUSION

The phantom traffic problem is not that too few records exist. The problem arises because the records that currently exist are often populated incorrectly. Rather than solving the problem, the Interim Plan would simply extend the current flawed process of identifying traffic to categories of traffic for which it is not needed. Because the Interim Plan ties the creation of call detail records to the provision of transit services, it ensures higher revenue for transit providers and higher costs for transit users. It would also introduce two additional allocation factors to the billing process that would provide originating carriers new latitude to manipulate terminating charges.

Because the Interim Plan does not resolve the problem of phantom traffic,
Integra urges the Commission to reject it.

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